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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,248	10/17/2005	Thomas Brueggert	OC029USU	6990
45180 7590 12/23/2009 GRIMES & BATTERSBY, LLP 488 MAIN AVENUE Suite 300 NORWALK, CT 06851				
EXAMINER				
TRAN, MY CHAU T				
ART UNIT		PAPER NUMBER		
2629				
MAIL DATE		DELIVERY MODE		
12/23/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,248

Applicant(s)

BRUEGGERT ET AL.

Examiner

MY-CHAU T. TRAN

Art Unit

2629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Application and Claims Status

1. Applicant's amendment filed 09/07/2009 and response filed 04/30/2009 are acknowledged and entered.
2. Claims 25-52 were pending. Applicants have cancelled claims 31-52. No claims were amended and/or added. Therefore, claims 25-30 are currently pending and are under consideration in this Office Action. Additionally, it is noted that applicant has not response to the issue of the non-compliant substitute specification as indicated in the Office Action mailed on 05/30/2008.

Election/Restrictions

3. Applicant's election without traverse of Group I (Claims 25-30) in the reply filed on 04/30/2009 is acknowledged.
4. Claims 31-52 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to ***nonelected inventions***, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04/30/2009. Additionally, applicant has cancelled claims 31-52 by the amendment filed 09/07/2009.

Priority

5. This instant application is a 371 of PCT/EP04/03961 filed on 04/15/2004, and as a result this instant application has the effective filing date of 04/15/2004.

6. Receipt is acknowledged of papers, i.e. Germany Patent Application No. 10318258.6 that was filed on 04/16/2003, submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

7. The information disclosure statements (IDS) that were filed on 10/17/2005 and 10/23/2006 have been reviewed, and the references that have been considered are initialed as recorded in PTO-1449 forms.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 25-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 25 recites the limitation “*light incident*” in line 14. There is insufficient antecedent basis for this limitation in the claim. Therefore, claim 25 and its dependent claims are rejected under 35 U.S.C. 112, second paragraph.

b. Claim 26 recites the limitation “*second illuminator*” in line 1-2. There is insufficient antecedent basis for this limitation in the claim. Claim 25 only recites a “*light emitting illuminator*” and there is no recitation for a ‘first’ illuminator. Thus, claim 26 and its dependent claims are rejected under 35 U.S.C. 112, second paragraph.

c. Claim 28 recites the limitation “*second illuminator*” in line 1-2. There is insufficient antecedent basis for this limitation in the claim. Claim 25 only recites a “*light emitting illuminator*” and there is no recitation for a ‘first’ illuminator. Thus, claim 28 is rejected under 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Ichikawa et al. (US Patent 5,737,040).

For **claim 25**, Ichikawa et al. disclose a liquid crystal display apparatus (see e.g. Abstract; col. 2, lines 32-39; col. 4, lines 25-38; figs. 1-3 and 14). The display apparatus comprise a hologram array (ref. #5) (refers to instant claimed a plane wavelength filter array) that is disposed behind the liquid crystal display device (ref. #6) (refers to instant claimed transfective image display device), which include liquid crystal cells for displaying pixel informations, and a backlight (ref. #3) (refers to instant claimed a light emitting illuminator) disposed behind the hologram array (see e.g. col. 6, line 30 thru col. 7, line 40; fig. 1).

Therefore, the device of Ichikawa et al. does anticipate the instant claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MY-CHAU T. TRAN whose telephone number is 571-272-0810. The examiner can normally be reached on Monday: 8:00-2:30; Tuesday-Thursday: 7:30-5:00; Friday: 8:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MY-CHAU T. TRAN/
Primary Examiner, Art Unit 2629

December 23, 2009